

ASSEMBLY BILL

No. 1815

Introduced by Assembly Member Jones-Sawyer

February 18, 2014

An act to amend Section 2670.5 of the Penal Code, relating organic therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1815, as introduced, Jones-Sawyer. Prison inmates: organic therapy.

Existing law recognizes that all persons, including all persons involuntarily confined, have a fundamental right against enforced interference with their thought processes, states of mind, and patterns of mentation through the use of organic therapies and prohibits administering or subjecting to organic therapy a person confined or detained in state prison, as specified, without the person's consent.

This bill would make nonsubstantive, technical changes to the latter provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2670.5 of the Penal Code is amended to
- 2 read:
- 3 2670.5. (a) No person confined or detained ~~under~~ pursuant to
- 4 Title 1 (commencing with Section 2000) and Title 2 (commencing
- 5 with Section 3200) shall be administered or subjected to any

1 organic therapy as defined in subdivision (c) without his or her
2 informed consent, provided that:

3 (1) If the person gives his or her informed consent to organic
4 therapy, it shall be administered only if there has been compliance
5 with Sections 2675 to 2680, inclusive.

6 (2) If the person lacks the capacity for informed consent to
7 organic therapy other than psychosurgery as referred to in
8 subdivision (c), in order to proceed with the therapy, the warden
9 shall secure an order from the superior court to authorize the
10 administration of the therapy in accordance with Sections 2675 to
11 2680, inclusive.

12 (b) No person confined or detained under Title 1 (commencing
13 with Section 2000) or Title 2 (commencing with Section 3200)
14 who lacks the capacity for informed consent shall be administered
15 or subjected to psychosurgery as referred to in subdivision (c).

16 (c) The term organic therapy refers to:

17 (1) Psychosurgery, including lobotomy, stereotactic surgery,
18 electronic, chemical or other destruction of brain tissues, or
19 implantation of electrodes into brain tissue.

20 (2) Shock therapy, including, but not limited to, any convulsive
21 therapy and insulin shock treatments.

22 (3) The use of any drugs, electric shocks, electronic stimulation
23 of the brain, or infliction of physical pain when used as an aversive
24 or reinforcing stimulus in a program of aversive, classical, or
25 operant conditioning.

26 (d) A person does not waive his or her right to refuse any organic
27 therapy by having previously given his or her informed consent
28 to the therapy, and the person may withdraw his or her consent at
29 any time.

30 If required by sound medical-psychiatric practice, the attending
31 physician shall, after the person withdraws his or her previously
32 given informed consent, gradually phase the person out of the
33 therapy if sudden cessation would create a serious risk of mental
34 or physical harm to the person.

35 (e) Nothing in this article shall be construed to prevent the
36 attending physician from administering nonorganic therapies such
37 as psychotherapy, psychoanalysis, group therapy, milieu therapy,
38 or other therapies or programs involving communication or
39 interaction among physicians, patients, and others, with or without

1 the use of drugs when used for purposes other than described in
2 paragraph (3) of subdivision (c).
3 (f) Nothing in this article shall be construed to prevent the
4 administration of drugs not connected with a program of
5 conditioning and intended to cause negative physical reactions to
6 ingestion of alcohol or drugs.

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